

United States Government
NATIONAL LABOR RELATIONS BOARD
Subregion 36
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May 28, 2004

Mr. Bill Mangel
P.O. Box 1529
Redmond, OR 97756

Re: Oak Harbor Freight Lines
36-RD-1643

Dear Mr. Mangel:

Your petition seeking an election among certain employees of Oak Harbor Freight Lines ("the Employer") has been carefully investigated and considered.

Decision to dismiss: Based on that investigation, I have concluded that further proceedings are not warranted and I am dismissing your petition for the following reasons:

On February 28, 2004, Teamsters Local 962 ("the Union") obtained a majority of authorization cards from employees in the Employer's Bend, Oregon facility. Based on those authorization cards, the Union sought recognition from the Employer. In accordance with Section 1.04.02 of the parties' collective bargaining agreement, an election was conducted under the auspices of the Federal Mediation and Conciliation Service on March 19, 2004. A majority of the employees voted to be represented by the Union. Based on this, the Employer recognized the Union as the exclusive collective bargaining representative of its Bend, Oregon employees.

On March 23, 2004, you filed this petition. I am dismissing your petition because it is subject to the Board's "recognition bar," which bars the processing of a petition for an election for a reasonable time after the parties execute a valid recognition agreement. See *Keller Plastics Eastern, Inc.*, 157 NLRB 583 (1966).

Your right Obtain a Review of Dismissal Action: Pursuant to the National Labor Relations Board's Rules and Regulations, any party may obtain a review of this action by filing a request for review with the National Labor Relations Board, Office of the Executive Secretary, 1099 14th St., N.W., Washington, D.C. 20570. If you file a request for review, you must also send a copy to the other parties to this proceeding and to me.

Request for Review Due Date: The request for review must be received by the Executive Secretary for the Board by the close of business at 5:00 p.m. (EST or EDT, as appropriate) on **Friday, June 11, 2004**. However, if you mail the request for review, it will be considered timely if it is postmarked no later than the day before the due date.

Extension of Time to File Request for Review: Upon good cause, the Board may grant special permission for a longer period within which to file a request for review. If you file a request for extension of time with the Executive Secretary in Washington, you must send a copy of your request to the other parties to this proceeding and to me.

Request for Review Contents: The request for review must contain a complete statement setting forth the facts and the reasons that support your request for review of the decision to dismiss the petition. The request for review and any request for extension of time must include a statement that a copy has been served on the other parties to this proceeding and on me and that service has been accomplished in the same or faster manner as that used to serve the Board.

Very truly yours,

Richard L. Ahearn
Regional Director

By /s/ Cathleen Callahan
Cathleen Callahan
Officer in Charge

cc:

Oak Harbor Freight Lines
Mr. Mike Maxwell
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